MT LEGISLATIVE HISTORY

Chapter 403 1975

Bill H _____ S 61 Original bill & hist. ✓C

H. Committee on Public Health Welfare & Safety

Hearing Date(s) March ✓C

_____ C

_____ C

_____ C

Date Out March ✓C

S. Committee on Public Health Welfare & Safety

Hearing Date(s) Jan 16 ✓C

Jan 23 ✓C

Jan 30 ✓C

_____ C

Jan 30 ✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Senate BILL NO. 61

INTRODUCED BY Fasbender Hazelbaker Greely Harden Towe

A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING CERTAIN PROVISIONS OF THE UNIFORM ALCOHOLISM AND INTOXICATION ACT, AMENDING SECTIONS 11-927 AND 94-8-105, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 11-927, R.C.M. 1947, is amended to read as follows:

"11-927. Prevention of and punishment for disturbing the peace. The city or town council has power: To prevent and punish intoxication (subject to the limits established in section ~~69-6224~~ 69-6226), fights, riots, loud noises, disorderly conduct, obscenity, and acts or conduct calculated to disturb the public peace, or which are offensive to public morals, within the city or town, and within three miles of the limits thereof."

Section 2. There is a new R.C.M. section numbered 69-6226 that reads as follows:

69-6226. Criminal laws limitations. (1) No county, municipality, or other political subdivision may adopt or enforce a local law, ordinance, resolution, or rule having the force of law that includes drinking, being a common drunkard, or being found in an intoxicated condition as one

LC 0107

of the elements of the offense giving rise to a criminal or civil penalty or sanction.

(2) Nothing in this act affects any law, ordinance, resolution, or rule against drunken driving, driving under the influence of alcohol, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery, or other equipment, or regarding the sale, purchase, dispensing, possessing, or use of alcoholic beverages at stated times and places or by a particular class of persons.

Section 3. Section 94-8-105, R.C.M. 1947, is amended to read as follows:

"94-8-105. Public intoxication. ~~(1)~~ A person ~~commits the offense of public intoxication if he~~ who appears in a public place in a state of visible intoxication as a result of the use of alcohol or any dangerous drug and is

(a) creating a risk to himself or others, or

(b) conducting himself in an offensive manner~~.~~ , commits no criminal offense but may be detained by a peace officer for the person's own protection. A peace officer who detains a publicly intoxicated person must take him to a public treatment facility approved by the department of health and environmental sciences under section 69-6216. If there is no approved public treatment facility within a reasonable distance of the point of detention, the peace officer must release the person as soon as he is no longer

INTRODUCED BILL

SB 61

creating a risk to himself or others.

~~(2)---A-person--convicted--of--the--offense--of--public intoxication--shall--be--fined--not--to-exceed-fifty-dollars ($50)-or-be-imprisoned-in-the-county-jail-for-a-term-not--to exceed-ten-(10)-days,-or-both.~~"

-End-

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

January 16, 1975

The second meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Norman on the above date in Room 405 of the State Capitol Building at approximately 11:00 a.m.

ROLL CALL: All members were present.

In general discussion, Chairman Norman brought to attention the fact that this committee's staff attorney, Woody Wright, would be available to provide fact sheets to committee members on the various bills when possible.

CONSIDERATION OF SENATE BILL NO. 61: Senator Norman called on Senator Fasbender, sponsor of the bill, who presented this bill which would adopt certain provisions of the Uniform Alcoholism and Intoxication Act, amending Sections 11-927 and 94-8-105, R.C.M 1947. Senator Fasbender's bill would provide that it would no longer be a criminal offense to be intoxicated in public. Rather, the person can be detained by a peace officer and held in a public treatment facility until the problem no longer exists or that person is no longer intoxicated, before decriminalization. Senator Fasbender mentioned he was of the opinion Montana would be one of the first, if not the first, states to provide treatment facilities for intoxicated persons. He felt this would be a milestone in helping to impress on people that alcoholism is a disease and should be treated as such rather than as a criminal offense.

At this point, Mr. Robert L. Solomon, Administrator for the Alcohol Services Division of the Montana Department of Health and Environmental Sciences presented a statement to the committee as a proponent of SB61. (See Attachment 1).

Mr. Ward Hamlin of the Alcoholism Programs of Montana, Inc. introduced himself and presented a statement as a proponent of the bill. (See Attachment 2).

Jack Charlson, also of the Alcoholism Program of Montana, Inc., voiced his support of the bill for the reason that law enforcement establishments do not have the facilities where an intoxicated person might go or an education program to offer them for correction of the malady.

As an opponent to SB 61, Jack Williams introduced himself to the committee as a representative of the Chiefs of Police Association. Mr. Williams was concerned that as the bill was written, it did not provide for any protection for the policemen as far as when and at whose descretion would the offender be released. He felt there was also a problem in judging who is an alcoholic and who is just partying. A third problem he felt existed was that this bill would make "taxi cab" drivers out of policemen in delivering offenders to facilities, especially in areas outside the treatment centers.

Tom Hansel, representing County Attorneys, also presented himself in opposition of the bill. He felt police officers should be exempt from liability through the process of detaining an offender.

Chairman Norman then opened the floor to discussion. Senator Fasbender pointed out he felt police would automatically be liable and felt it unwise to say they wouldn't be. He made it clear that this bill would be in definite coordination with HB 909. He also felt that funds saved from offenders no longer being detained in jails could be used to detail more cars thus relieving pressure on avialability of cars.

In answer to a question of Senator Olson's concerning what would be considered a treatment center, Mr. Solomon said that any licensed hospital or non-medical program approved by medical authorities could be used. There would be a definite screening of facilities. At present there are about 4 or 5 facilities which are, for the most part, located in the larger municipalities. Senator Olson was also concerned, from a physician's angle, what a doctor should do if a person refused to be treated. Solomon's reply was that if he were in full capacity of his senses, he couldn't be detained. It was agreed though that a hospital room would be considerably more desirable than a jail cell for overnight detention.

Senator Seibel was concerned with a couple issues... One, would there be any treatment facility for follow up, especially for chronic offenders, to which Mr. Solomon replied, yes, there would be and that they were working on a program for the same. Her second question was... What are classified dangerous drugs as referred to in lines 12 thru 15. She suggested an amendment might be in order here as there are possible two kinds of drugs and therefore two kinds of problems. Senator Fasbender reminded her this would be mainly an emergency treatment facility. Senator Colberg felt that only if the person was obviously under influence of some drug and was also in possession, only then would he be under criminal law. If they were not in possession of an illegal drug or were under the influence of a prescribed drug and were creating harm to themselves or others, they should then be detained in the treatment facility until they returned to a normal capacity.

Mr. Williams objected to police having to determine whether one was intoxicated or not. He thought it would be possible to give a breath analyzer test. He also objected to the possible detention of policemen for an indefinite period at a hospital because the hospitals are not equipped with restraining facilities or personnel in the case of violent offenders. He did agree with Senator Himsl that drunkeness, a victimless crime, is one of the major causes for plugging up the justice system.

Senator Himsl suggested if police had to contend with anyone who even looked intoxicated, they would simply avoid picking them up. It was agreed it would take the cooperation of police. He also felt there would be a problem if one was picked up at 3:00 a.m. to which Senator Fasbender replied the facility would have to run on a 24 hour basis; not only for treatment, but in order to get the Federal funding which would amount to $500,00 per community per year. This would have to be matched. There would be an additional $120,000 per year if we decriminalize. There would also be a portion which would come from the State Liquor Tax.

ADJOURN: There being a need for further discussion, it was decided the bill would be acted on at a later date. As there was no further business, the meeting was adjourned at 12:20.

Bill Norman

BILL NORMAN, CHAIRMAN

ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

44th LEGISLATIVE SESSION -- 1975

Date 1-16-75

NAME	PRESENT	ABSENT	EXCUSED
NORMAN, Bill, Chairman	X		
SEIBEL, Ann, Vice Chairman	X		
BLAYLOCK, Chet	X		
COLBERG, Richard A.	X		
LEE, Robert E.	X		
HIMSL, Matt	X		
OLSON, S.A.	X		
STEPHENS, Stan	X		

Each day attach to minutes

(1)

Department of Health and Environmental Sciences
STATE OF MONTANA HELENA, MONTANA 59601

John S. Anderson M.D.
DIRECTOR

January 16, 1975

Mr. Chairman, Members of the Committee:

I am Robert L. Solomon, Administrator, Alcohol Services Division of the Montana Department of Health and Environmental Sciences. I appear before you today as a proponent of SB-61.

Chapter 302, Session Laws 1974, commonly known as HB-909 adopted certain provisions of the Alcoholism and Intoxication Act. The portions of the Uniform Act that were not adopted at that time pertain to the decriminalization of public intoxication and the repeal by reference of local codes or ordinances under which drunkenness or public intoxication is the significant part of the complaint in a petty criminal offense. SB-61, which you are considering today, would effectively provide for the decriminalization of public intoxication in the State of Montana and would complete the steps toward the recognition of alcohol abuse and alcoholism as a medical and health problem and not as a crime or major criminal problem.

In the action taken by this legislature and signed by Governor Judge last year that "it is the policy of the State of Montana to recognize alcoholism as an illness and that alcoholics and intoxicated persons may not be subjected to criminal prosecution because of their consumption of alcoholic beverages but rather should be afforded a continuum of treatment in order that they may lead normal lives as productive members of society", 69-6211, R.C.M. 1947. That Act further provided the framework outline for a statewide network of services and program activity directed toward the recognition and understanding of public intoxication as a health problem, and not one to be dealt with in the criminal justice system.

Since the signing of HB-909, by Governor Judge on March 25, 1974, considerable effort has been directed toward the development and provision of the services called for in the Act. A number of law enforcement agencies have been handling public intoxication as though decriminalization had, in fact, taken place. By and large, this has not provided for problems, other than the confusion as to whether or not public intoxication had or had not been decriminalized.

The adoption of the piece of legislation you are considering would provide the peace officer with another in a series of alternatives for handling the public intoxicant. It would provide that the recognition of a person who is creating a risk to himself or others or conducting himself in a state of visible intoxication does, in fact, require that health personnel see this person in an effort to ascertain his degree of incapacitation and possible need for further help in the form of detoxification services, emergency services, or possible hospitalization and other acute medical emergency conditions or problems.

As of January 1, 1975, 22 states have enacted the Uniform Act or similar legislation. Montana is one of two of those states that have yet to repeal the statutes permitting arrest for public intoxication. Eight other states have recently enacted comprehensive legislation similar to the Uniform Act and are considering decriminalization. A number of other states will be considering the Uniform Act, similar legislation and/or decriminalization this year.

Recent Federal legislation signed by President Ford would provide incentive monies to those states adopting the Uniform Act. In the case of Montana, the adoption of this piece of legislation, SB-61, would provide us with $120,000 for each of the next three years for the purpose of development and implementation of the Uniform Act.

We have been in discussion with city and county officials, county attorneys, sheriffs, chiefs of police and others involved in law enforcement, and they feel that the development of the programmatic capabilities as authorized by last year's legislation and carried through to decriminalization would provide them with a number of acceptable alternatives. It will assist and relieve them of many of the problems associated with handling the public intoxicant. They feel it is a health problem, they are eager to have the assistance and aid of health personnel. A number of organizations and agencies in Montana have spoken in favor of decriminalization of public intoxication and are supportive of this Act.

Those of us in alcoholism and alcohol abuse program activity in the state feel that we can and will be able to provide for the services to implement a broad range of activity, should decriminalisation become a reality.

We encourage your favorable review and a DO PASS recommendation to the Committee of the Whole on SB-61.

Respectfully submitted,

Robert L. Solomon, Administrator
Alcohol Services Division

ALCOHOLISM PROGRAMS OF MONTANA, INC.
324 FULLER AVENUE
HELENA, MONTANA 59601

OFFICERS:
HAROLD SCHUTTE
PRESIDENT
KALISPELL
JACK CHARLSON
VICE-PRESIDENT
BUTTE
WARD HAMLIN
HELENA
SEC./TREAS.

BOARD OF DIRECTORS:
DAN PERESSINI
HAVRE
LARRY SCHROEDER
BILLINGS
PHIL SULLIVAN
GLENDIVE
MONA SUMNER
BILLINGS
BOYD ANDREW
HELENA
JIM BUTCHER
BUTTE
DON A. McDONALD
HELENA

January 16, 1975

Dr. Bill Norman, Chairman
Public Health, Welfare & Safety Committee
Helena, Montana 59601

RE: SB 61

Mr. Chairman and members of this committee, my name is Ward Hamlin. I am Secretary-Treasurer of the Alcoholism Programs of Montana, Inc. I have been instructed by our Board of Directors to inform you of our support of this bill.

The Alcoholism Programs of Montana, Inc., represent nearly every identifiable program in our State that will be involved in implementing the changes that will occur with the passage of SB 61. We feel that we are ready to fully implement the Uniform Alcoholism Act as passed last year and the de-criminilization feature of this proposed bill becomes a vital link to our successful efforts.

I draw your attention to this bill regarding the responsibility of the afflicted person for his or her own actions. This bill does not affect drunk driving, sale of liquor in any form or any action involving a crime committed while under the influence of the drug alcohol. This bill merely finalizes the State's position that an intoxicated person is an individual with a health problem. The Alcoholism Programs of Montana certainly agree on this subject. A jail cell is not the place for withdrawal from alcohol.

Speaking as Executive Director of an alcoholism program covering 12 counties of Southwestern Montana, I feel free to speak on our own exact plans in this area to implement this proposal.

I feel that alcoholism has long held the title of being the most neglected, treatable illness in Montana. The last Legislative Session is to be congratulated for their effectiveness in passing the Uniform Alcoholism Act. This session, and this Committee in particular, will receive the grateful thanks of many hundreds of alcoholics and thousands of family members for helping control this disease.

In summation, the Alcoholism Programs of Montana, Inc., urge you to give this SB 61 a "do pass" vote and request your support of this measure on the floor of the House and the Senate.

Thank you,

Ward Hamlin

Ward Hamlin, Secretary-Treasurer
Alcoholism Programs of Montana, Inc.

Senator Lee inquired that if an EMS were established in a given area, would it be strictly volunteer and if not who would obtain the funds and how would the decision be made for a private ambulance service or a volunteer service. Senator Roberts felt it would be under the jurisdiction of the EMS council.

There being no further discussion, the hearing was closed on Senate Bill 73, to be considered further at a later date.

CONSIDERATION OF SENATE BILL NO. 61: A bill to adopt certain provisions of the Uniform Alcoholism and Intoxication Act and amend Sections 11-927 and 94-8-105, R.C.M. 1947.

Senator Fasbender, sponsor, gave a brief description of the amendments he proposed for this bill and then introduced Mr. Pat Melby as a proponent.

Mr. Melby presented to the committee a partial amendment to this bill. After some discussion it was decided by the committee, that until the amendments as suggested by Melby could be further clarified, action would be delayed until a later date.

ADJOURN: There being no further business, the meeting was adjourned at 12:15 p.m.

Bill Norman

BILL NORMAN, CHAIRMAN

ROLL-CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

44th LEGISLATIVE SESSION -- 1975 Date 1-23

NAME	PRESENT	ABSENT	EXCUSED
NORMAN, Bill, Chairman	X		
SEIBEL, Ann, Vice Chairman	X		
BLAYLOCK, Chet	X		
COLBERG, Richard A.		X	
LEE, Robert E.	X		
HIMSL, Matt	X		
OLSON, S.A.	X		
STEPHENS, Stan	X		

Each day attach to minutes

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

January 30, 1975

The sixth meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Norman on the above date in Room 405 of the State Capitol Building at approximately 11:00 a.m.

ROLL CALL: All members were present.

This meeting was strictly an executive meeting to act on Senate Bills 52, 53, 61 and 73.

CONSIDERATION OF SENATE BILL NO. 61: Senator Larry Fasbender was chief sponsor of this bill, which is an act adopting certain provisions of the Uniform Alcoholism and Intoxication Act, amending sections 11-927 and 94-8-105, R.C.M. 1947."

The main problems with this bill were the terms intoxication, alcohol and dangerous drugs. It was agreed that by definition intoxication would include alcohol and that in the State of Montana alcohol is not considered a dangerous drug. Senator Norman called for a straw vote which resulted in dangerous drugs being taken out and alcohol left in. It was felt that drugs should be dealt with as a separate subject.

Of the two amendments offered by Senator Fasbender (See Attachment 1), it was agreed the first would be the better, because the second required that an officer of the peace make a decision as to whether a citizen was intoxicated by drugs or by alcohol. Woody Wright made reference to the Montana Criminal Codes which say there is no criminal inference or penalty for intoxication itself... only for possession.

As there was a conflict between Section 3 and Section 4 it was moved by Senator Blaylock that Section 3 of the original bill be stricken and that the first alternative offered by Senator Fasbender be inserted (See attached Standing Committee Report).

Senator Lee moved that SB 61 DO PASS AS AMENDED. The motion was carried with 7 senators voting "yes" and Senator Olson voting "No".

CONSIDERATION OF SENATE BILL NO. 73: Senator Joe Roberts was sponsor of this bill which would create an earmarked account for Local Emergency Medical Service Systems.

The committee had no objections to the bill as such but felt that if the bill did pass the committee, that it be referred to the Finance and Claims Committee for their observation as it would have some fiscal impact (See Attachment 2).

Senate Bill 61

Amend pages 2 and 3, beginning with line 10 on page 2 and continuing through line 5 on page 3.

Strike: Section 3 in its entirety

insert:

Section 3. There is a new R.C.M. section numbered 69-6227 that reads as follows:

69-6227. (1) A person who appears to be intoxicated or incapacitated by alcohol in public commits no criminal offense but may be detained by a peace officer for the person's own protection. A peace officer who detains a person who appears to be intoxicated or incapacitated by alcohol in public shall proceed in the manner as provided by section 69-6219.

(2) If none of the alternatives in section 69-6219 is reasonably available, a peace officer may detain a person who appears to be intoxicated or incapacitated by alcohol in jail until the person is no longer creating a risk to himself or others.

(3) A peace officer, acting within the scope of his authority under this chapter, shall not be personally liable for his actions.

Section 4. Section 94-8-105 is repealed

Or in the alternative:

Section 4. Section 94-8-105 is amended to read as follows:

94-8-105. Public intoxication. (1) A person commits the offense of public intoxication if he appears in a public place in a state of visible intoxication as a result of the use of ~~alcohol or~~ any dangerous drug and is
(a) creating a risk to himself or others, or
(b) conducting himself in an offensive manner.

(2) A person convicted of the offense of public intoxication shall be fined not to exceed fifty dollars ($50) or be imprisoned in the county jail for a term not to exceed ten (10) days, or both.

ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

44th LEGISLATIVE SESSION -- 1975

Date Jan 30

NAME	PRESENT	ABSENT	EXCUSED
NORMAN, Bill, Chairman	X		
SEIBEL, Ann, Vice Chairman	X		
BLAYLOCK, Chet	X		
COLBERG, Richard A.	X		
LEE, Robert E.	X		
HIMSL, Matt	X		
OLSON, S.A.	X		
STEPHENS, Stan	X		

Each day attach to minutes

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

Date THURS. JAN. 30 1975 Bill No. 61 Time 11:30

NAME	YES	NO
SEIBEL, Ann, Vice Chairman	X	
BLAYLOCK, Chet	X	
COLBERG, Richard A.	X	
HIMSL, Matt		X
LEE, Robert E.		X
OLSON, S.A.		X
STEPHENS, Stan	X	
NORMAN, Bill, Chairman	X	

VICKIE DAWN MAST
Secretary

BILL NORMAN
Chairman

Motion: SENATOR BLAYLOCK MOVED THAT SECTION 3 OF THE ORIGINAL BILL BE STRICKEN AND THE 1ST ALTERNATIVE OFFERED BY SENATOR FASBENDER BE INSERTED. (SEE STANDING COMMITTEE REPORT.)

(include enough information on motion--put with yellow copy of committee report.)

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

Date JAN 30 1975 Bill No. 61 Time 11:30

NAME	YES	NO
SEIBEL, Ann, Vice Chairman	X	
BLAYLOCK, Chet	X	
COLBERG, Richard A.	X	
HIMSL, Matt	X	
LEE, Robert E.	X	
OLSON, S.A.		X
STEPHENS, Stan	X	
NORMAN, Bill, Chairman	X	

VICKIE DAWN MAST
Secretary

BILL NORMAN
Chairman

Motion: SENATOR LEE MOVED THAT SB 61 DO PASS AS AMENDED.

(include enough information on motion--put with yellow copy of committee report.)

(3) A peace officer, acting within the scope of his authority under this chapter, shall not be personally liable for his actions.

Section 4. Section 94-8-105 is repealed.

AND AS SO AMENDED, DO PASS

BN:vm

Bill Norman

BILL NORMAN, CHAIRMAN

surgery not requiring more than six hours hospitalization could be performed. The "surgical center" concept was first utilized in Phoenix and resulted in substantial savings.

Bob Johnson, Comprehensive Health Planning, Department of Health, supported the bill without the amendments suggested by Loendorf. He submitted Exhibit IV in support.

In closing, Lee said he was opposed to the amendments suggested, as the "certificate of need" is trying to avoid exactly that. He said that the Board of Health will not refuse application for this outpatient facility.

Dussault said she could not see any legislative intent for a "certificate of need" bill.

SB 323--SPONSOR: Senator Bob Lee, district 43, said this bill would require the county welfare departments to honor the food stamp and social services program. In one instance, Madison County refused to administer any food stamp program. Proponent Jack Carlson, SRS Department, stated that the state supervises the county administered welfare system, of which neither the food stamp nor the social services are mentioned. This would only be a housekeeping measure to fix the responsibilities for these programs with the counties.

SB 61-- SPONSOR: Senator Larry Fasbender, district 17, said this was a follow-up to HB 9 , which would decriminalize intoxication by considering it a disease. The one difference between the two bills is that a person who commits an act involving only intoxication shall not be criminalized, but would be liable for any other violations of the law. The addition to the bill (section 3, subsection (3)) would provide that the police or peace officers shall not share any liability. Fasbender further stated that the peace officer had several alternatives in the handling of this person in section 69-6219, and this bill provides for the transport to the proper facility. Section 3 gives provisions whereby, if there are no other facilites available, the officer can detain the person in jail for his own protection. Proponent Bob Solomon, Department of Health, submitted Exhibit V in support. Don McDonald, Alcoholic Rehabilitation Association, submitted Exhibit VI, and Melvin Vegge, Montana Jaycees, submitted Exhibit VII.

Gould siad he liked that concept, but wanted to know if this would be a step closer to the decriminalization of marijuana. Fasbender replied that the only way to cure alcoholism is medically, and more important is to help the person become useful again. He said that imprisonment is not the cure, but treatment, and the same thing could be done for a drug problem. Harper agreed that they should treat, and not incarcerate. Menahan asked about the case where the person is just plain drunk, and is not an alcoholic. He said that per-

son should be taken to jail so he wouldn't destroy property in the treatment center. Fasbender replied that it is not the intent to allow a person to escape from any criminal charges committed during intoxication, but he did not think that being drunk should be termed a crime.

SB 386--SPONSOR: Senator Don Foster, district 24, said this bill would require labeling of imported meats as such. He said that the purpose of the bill is consumer oriented by letting people know if the imported meat is processed under the same stringent U.S. codes, i.e., processing and slaughtering. He said that with the advent of air transportation, the need for the bill is more apparent. Further, he said with livestock being the second largest industry in Montana, they would like to support domestic meat rather than foreign. With this enactment, he felt that Montana may set an example for other states. He felt that this was a timely bill, and would not prohibit the sale of foreign products. Proponent Mons Teigen, Montana Stockgrowers Association and Montana Woolgrowers Association, said their meat is highly competitive with foreign meats imported in, as they can produce their meat more cheaply, therefore bringing down the price of beef. Montana beef is presently selling for 15 cents a pound. Representative Murphy expressed strong support for the bill, saying that Congressman Melcher is trying to put a lid on the amount of meat coming into the states. He felt that they did not meet health standards, and stated that $1.7 billion is spent on foreign meat.

Babcock asked how the foreign meat would be labeled, and Foster said that they would ascertain information from the supplier. He said that an amendment was added whereby, if the country of origin is unknown, it could be labeled as such. This would give the supplier an out if he does not know where the meat came from. Rasmussen stated that the meat is inspected at the docks, and in many cases, the process is less than desirable. He said it would be difficult to regulate this. Murphy said there was no real problem in this area, but that the problem is in the slaughter houses. Harper said that the Montana Consumer Affairs Division supported the bill.

SJR 22--SPONSOR: Senator Tom Towe, district 34, said this would provide for a study of shelter care and detention services for juveniles. He said, in many cases, actions done by a juvenile, which are not considered as a crime when committed by an adult, should not constitute imprisonment but placement in a shelter home. This determines its feasibility. Page 2, lines 17 through 23, gives the demans of the study. He suggested an amendment to page 3, following "Judges' Association;" by inserting "the Montana Corrections Association; Montana Sheriffs and Peace Officers Association;". Proponent Charles McCarthy, Youth Development Bureau, SRS, said that only one out of six juveniles have been accused of serious offenses.

Exhibit V
3-11-75

Department of Health and Environmental Sciences

STATE OF MONTANA HELENA, MONTANA 59601

March 11, 1975

John S. Anderson M.D.
DIRECTOR

Mr. Chairman, Members of the Committee:

I am Robert L. Solomon, Administrator, Alcohol Services Division of the Montana Department of Health and Environmental Sciences. I appear before you today as a proponent of SB-61.

Chapter 302, Session Laws 1974, commonly known as HB-909 adopted certain provisions of the Alcoholism and Intoxication Act. The portions of the Uniform Act that were not adopted at that time pertain to the decriminalization of public intoxication and the repeal by reference of local codes or ordinances under which drunkenness or public intoxication is the significant part of the complaint in a petty criminal offense. SB-61, which you are considering today, would effectively provide for the decriminalization of public intoxication in the State of Montana and would complete the steps toward the recognition of alcohol abuse and alcoholism as a medical and health problem and not as a crime or major criminal problem.

In the action taken by this legislature and signed by Governor Judge last year that "it is the policy of the State of Montana to recognize alcoholism as an illness and that alcoholics and intoxicated persons may not be subjected to criminal prosecution because of their consumption of alcoholic beverages but rather should be afforded a continuum of treatment in order that they may lead normal lives as productive members of society", 69-6211, R.C.M. 1947. That Act further provided the framework outline for a statewide network of services and program activity directed toward the recognition and understanding of public intoxication as a health problem, and not one to be dealt with in the criminal justice system.

Since the signing of HB-909, by Governor Judge on March 25, 1974, considerable effort has been directed toward the development and provision of the services called for in the Act. A number of law enforcement agencies have been handling public intoxication as though decriminalization had, in fact, taken place. By and large, this has not provided for problems, other than the confusion as to whether or not public intoxication had or had not been decriminalized.

The adoption of the piece of legislation you are considering would provide the peace officer with another in a series of alternatives for handling the public intoxicant. It would provide that the recognition of a person who is creating a risk to himself or others or conducting himself in a state of visible intoxication does, in fact, require that health personnel see this person in an effort to ascertain his degree of incapacitation and possible need for further help in the form of detoxification services, emergency services, or possible hospitalization and other acute medical emergency conditions or problems.

As of January 1, 1975, 22 states have enacted the Uniform Act or similar legislation. Montana is one of two of those states that have yet to repeal the statutes permitting arrest for public intoxication. Eight other states have recently enacted comprehensive legislation similar to the Uniform Act and are considering decriminalization. A number of other states will be considering the Uniform Act, similar legislation and/or decriminalization this year.

Recent Federal legislation signed by President Ford would provide incentive monies to those states adopting the Uniform Act. In the case of Montana, the adoption of this piece of legislation, SB-61, would provide us with $120,000 for each of the next three years for the purpose of development and implementation of the Uniform Act.

We have been in discussion with city and county officials, county attorneys, sheriffs, chiefs of police and others involved in law enforcement, and they feel that the development of the programmatic capabilities as authorized by last year's legislation and carried through to decriminalization would provide them with a number of acceptable alternatives. It will assist and relieve them of many of the problems associated with handling the public intoxicant. They feel it is a health problem, they are eager to have the assistance and aid of health personnel. A number of organizations and agencies in Montana have spoken in favor of decriminalization of public intoxication and are supportive of this Act.

Those of us in alcoholism and alcohol abuse program activity in the state feel that we can and will be able to provide for the services to implement a broad range of activity, should decriminalisation become a reality.

We encourage your favorable review and a DO PASS recommendation to the Committee of the Whole on SB-61.

Respectfully submitted,

Robert L. Solomon, Administrator
Alcohol Services Division

Exhibit VI

ALCOHOLISM PROGRAMS OF MONTANA, INC.
324 FULLER AVENUE
HELENA, MONTANA 59601

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March 11, 1975

Public Health, Welfare and Safety

House Standing Committee

Dear Representatives of the 44th. Legislature,

Alcoholism - The State of Montana's number 1 drug problem is in epidemic form. The Alcoholism Programs of Montana, Inc. has assumed a firm stand regarding S-B 61 - (The decriminalization Bill.) Various questions concerning the bill have been aired out, namely the Liability Clauses and the responsibility factors, again I would like to point out, that the individual under the influence of alcohol is still liable for his or her actions. The important fact is the individual will receive the proper medical attention that is required. We, The Alcoholism Programs of Montana, Inc. recommend a due pass concerning the issue of S-B 61.

Respectfully submitted,

Don A. McDonald

Don A. McDonald

Legislative Coordinator

Alcoholism Programs of Montana, Inc.

DAM:ve

ALCOHOLISM REHABILITATION ASSOCIATION
OF SOUTHWESTERN MONTANA, INC.
324 Fuller Ave. — Helena, Montana 59601

Telephone
(406) 442-8831

March 11, 1975

PUBLIC HEALTH, WELFARE and SAFETY of
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Rasmussen, A.T.

The Alcohol Rehabilitation Association of Southwestern Montana wishes to be known as being in favor of S.B. 61, which is to be heard by this committee today.

Ron Spurlin

Ron Spurlin,
Community Development Specialist

NAME Melvin Vegge Bill No. SB 66

ADDRESS 1015 McKinley Ave Date 2-11-75

WHOM DO YOU REPRESENT? Montana Jaycees

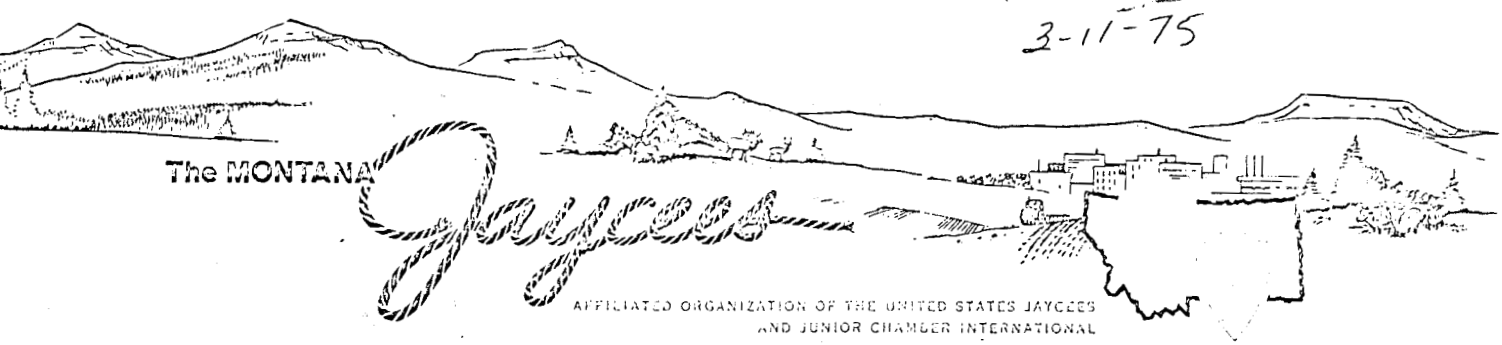
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

At Spring Board in Anaconda The Montana Jaycees Voted on Record in Support of Bill 66. There are 3,100 Jaycees in Montana between ages of 18-36. We Strongly urge Passage of this Bill as this is a Priority Area for U.S. Jaycees and Montana Jaycees.

Exhibit VII
3-11-75



Whereas a bill ,Senate 61 has been introduced in the Montana Legislature in respect to alcoholism;

Whereas, said bill declares it policy as follows; It is the policy of the state of Montana to recognize alcoholism as an illness and that alcoholics and intoxicated persons may not be subjected to criminal prosecution because of their consumption of alcoholic beverages but rather should be afforded a continum of treatment in order that they may lead normal lives as productive members Of society.

Whereas, the Montana Jaycees are concerned about alcoholism and believe that alcoholism is an illness;

Wherefore, be it hereby resolved that the Montana Jaycees endorse and urge adoption of Senate bill 61.

SENATE BILL NO. 61

INTRODUCED BY FASBENDER, HAZELBAKER, GREELY, WARDEN, TOWE

A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING CERTAIN PROVISIONS OF THE UNIFORM ALCOHOLISM AND INTOXICATION ACT, AMENDING ~~SECTIONS~~ SECTION 11-927 AND REPEALING 94-8-105, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 11-927, R.C.M. 1947, is amended to read as follows:

"11-927. Prevention of and punishment for disturbing the peace. The city or town council has power: To prevent and punish intoxication (subject to the limits established in section ~~69-6224~~ ~~69-6226~~ 2 OF THIS ACT), fights, riots, loud noises, disorderly conduct, obscenity, and acts or conduct calculated to disturb the public peace, or which are offensive to public morals, within the city or town, and within three miles of the limits thereof."

Section 2. There is a new R.C.M. section ~~numbered~~ ~~69-6226~~ that reads as follows:

~~69-6226.~~ Criminal laws limitations. (1) No county, municipality, or other political subdivision may adopt or enforce a local law, ordinance, resolution, or rule having the force of law that includes drinking, being a common drunkard, or being found in an intoxicated condition as one of the elements of the offense giving rise to a criminal or civil penalty or sanction.

(2) Nothing in this ~~act~~ SECTION affects any law, ordinance, resolution, or rule against drunken driving, driving under the influence of alcohol, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery, or other equipment, or regarding the sale, purchase, dispensing, possessing, or use of alcoholic beverages at stated times and places or by a particular class of persons.

~~Section 3. Section 94-8-105, R.C.M. 1947, is amended to read as follows:~~

~~"94-8-105. Public intoxication. (1) A person commits the offense of public intoxication if he who appears in a public place in a state of visible intoxication as a result of the use of alcohol or any dangerous drug and is~~

~~(a) creating a risk to himself or others, or~~

~~(b) conducting himself in an offensive manner,~~ ~~commits no criminal offense but may be detained by a peace officer for the person's own protection. A peace officer who detains a publicly intoxicated person must take him to a public treatment facility approved by the department of health and environmental sciences under section 69-6216. If there is no approved public treatment facility within a~~

REFERENCE BILL

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~~reasonable-distance-of-the-point--of--detention,--the--peace officer--must--release-the-person-as-soon-as-he-is-no-longer creating-a-risk-to-himself-or-others.~~

~~(2)---A-person--convicted--of--the--offense--of--public intoxication--shall--be--fined--not--to-exceed-fifty-dollars ($50)-or-be-imprisoned-in-the-county-jail-for-a-term-not--to exceed-ten-(10)-days,-or-both.~~"

SECTION 3. THERE IS A NEW R.C.M. SECTION THAT READS AS FOLLOWS:

(1) A PERSON WHO APPEARS TO BE INTOXICATED OR INCAPACITATED BY ALCOHOL IN PUBLIC COMMITS NO CRIMINAL OFFENSE SOLELY BY REASON OF BEING IN SUCH CONDITION, BUT MAY BE DETAINED BY A PEACE OFFICER FOR THE PERSON'S OWN PROTECTION. A PEACE OFFICER WHO DETAINS A PERSON WHO APPEARS TO BE INTOXICATED OR INCAPACITATED BY ALCOHOL IN PUBLIC SHALL PROCEED IN THE MANNER AS PROVIDED BY SECTION 69-6219.

(2) IF NONE OF THE ALTERNATIVES IN SECTION 69-6219 IS REASONABLY AVAILABLE, A PEACE OFFICER MAY DETAIN A PERSON WHO APPEARS TO BE INTOXICATED OR INCAPACITATED BY ALCOHOL IN JAIL UNTIL THE PERSON IS NO LONGER CREATING A RISK TO HIMSELF OR OTHERS.

(3) A PEACE OFFICER, ACTING WITHIN THE SCOPE OF HIS AUTHORITY UNDER THIS CHAPTER, SHALL NOT BE PERSONALLY LIABLE FOR HIS ACTIONS.

SECTION 4. SECTION 94-8-105 IS REPEALED.

-End-